

Executive Summary – Enforcement Matter – Case No. 46053

BASF Corporation

RN100218049

Docket No. 2013-0169-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

BASF Freeport Site, 602 Copper Road, Freeport, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2013-0266-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 7, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,300

Amount Deferred for Expedited Settlement: \$3,860

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,440

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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BASF Corporation

RN100218049

Docket No. 2013-0169-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 10, 2012 and December 7, 2012

Date(s) of NOE(s): December 17, 2012 and January 15, 2013

Violation Information

1. Failed to comply with the maximum allowable emissions rate ("MAER") for nitrogen oxides ("NOx") for the R-170 Catalytic Incinerator, Emission Point No. ("EPN") 11-1-2, during a stack test conducted on November 2, 2010. Specifically, the NOx emissions exceeded the MAER of 0.03 pounds per hour ("lbs/hr") by 0.19 lbs/hr [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1926, Special Terms and Conditions ("STC") No. 11, and New Source Review ("NSR") Permit No. 1733A, Special Conditions ("SC") No. 1].
2. Failed to represent sulfur dioxide ("SO2") fugitive emissions from the Caprolactam 1 and 2 Units in the NSR Permit No. 1733A application. Specifically, Respondent did not represent the scrubber bypass emissions that occurred during nitrogen purges in the permit application, resulting in the release of 853.76 lbs of unauthorized SO2 emissions from the Caprolactam 1 Unit and 2,143.3 lbs of unauthorized SO2 emissions from the Caprolactam 2 Unit, respectively [30 TEX. ADMIN. CODE §§ 116.115(c), 116.116(b)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1926, STC No. 11, and NSR Permit No. 1733A, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent conducted a stack retest on March 22, 2011 at the R-170 Catalytic Incinerator, EPN 11-1-2. The reference method stack test for NOx indicated the emissions were 0.022 lbs/hr, below the permitted rate of 0.03 lbs/hr.

Technical Requirements:

The Order will require Respondent to:

- a. By November 30, 2014, complete the scrubber modification project designed to prevent unauthorized SO2 emissions from the Caprolactam 1 and 2 Units; and
- b. Within 30 days of completion of the scrubber modification project, submit written certification demonstrating compliance with Ordering Provision a.

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RN100218049

Docket No. 2013-0169-AIR-E

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Christopher P. Witte, Senior Vice President - Freeport Site, BASF
Corporation, 602 Copper Road, Freeport, Texas 77541
Rodney Kutz, Environment Representative, BASF Corporation, 602 Copper Road,
Freeport, Texas 77541

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	7-Jan-2013	Screening	18-Jan-2013	EPA Due	2-Sep-2013
	PCW	22-Jan-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	BASF Corporation		
Reg. Ent. Ref. No.	RN100218049		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	46053	No. of Violations	2
Docket No.	2013-0169-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **124.0%** Enhancement **Subtotals 2, 3, & 7** **\$9,300**

Notes: Enhancement for five orders with denial of liability, five NOVs with same/similar violations, and two NOVs with dissimilar violations. Reduction for three Notices of Intent to conduct audits and one disclosure of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,250**

Economic Benefit **50.0%** Enhancement* **Subtotal 6** **\$3,750**

Total EB Amounts **\$1,155,345**
Approx. Cost of Compliance **\$2,003,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$19,300**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$19,300**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$19,300**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$3,860**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$15,440**

Screening Date 18-Jan-2013

Docket No. 2013-0169-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 46053

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218049

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 124%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five orders with denial of liability, five NOVs with same/similar violations, and two NOVs with dissimilar violations. Reduction for three Notices of Intent to conduct audits and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 124%

Screening Date 18-Jan-2013

Docket No. 2013-0169-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 46053

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218049

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1926, Special Terms and Conditions ("STC") No. 11, and New Source Review ("NSR") Permit No. 1733A, Special Conditions ("SC") No. 1

Violation Description

Failed to comply with the maximum allowable emissions rate ("MAER") for nitrogen oxides ("NOx") for R-170 Catalytic Incinerator, Emission Point No. ("EPN") 11-1-2, during a stack test conducted on November 2, 2010. Specifically, the NOx emissions exceeded the MAER of 0.03 pounds/hour ("lbs/hr") by 0.19 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification				Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation. Approximately 638 lbs of NOx emissions were emitted from November 2, 2010 to March 22, 2011.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

140 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended from the first failing stack test on November 2, 2010 to the second passing stack test on March 22, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent returned to compliance on March 22, 2011 and the NOE is dated December 17, 2012.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$58

Violation Final Penalty Total \$12,450

This violation Final Assessed Penalty (adjusted for limits) \$12,450

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 46053
Reg. Ent. Reference No. RN100218049
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	2-Nov-2010	22-Mar-2011	0.38	\$58	n/a	\$58

Notes for DELAYED costs

Estimated cost to conduct a stack test for NOx at R-170 Catalytic Incinerator.. The Date Required is the date of the first stack test and the Final Date is the date of the compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$58

Screening Date 18-Jan-2013

Docket No. 2013-0169-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 46053

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218049

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 116.116(b)(1) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1926, STC No. 11, and NSR Permit No. 1733A, SC No. 1

Violation Description

Failed to represent sulfur dioxide ("SO₂") fugitive emissions from the Caprolactam 1 and 2 Units in the NSR Permit No. 1733A application. Specifically, the Respondent did not represent the scrubber bypass emissions that occurred during nitrogen purges in the permit application, resulting in the release of 853.76 lbs of unauthorized SO₂ emissions from the Caprolactam 1 Unit and 2,143.3 lbs of unauthorized SO₂ emissions from the Caprolactam 2 Unit, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

42 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the December 7, 2012 investigation date to the January 18, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,155,288

Violation Final Penalty Total \$6,850

This violation Final Assessed Penalty (adjusted for limits) \$6,850

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 46053
Reg. Ent. Reference No. RN100218049
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000,000	1-Sep-2006	30-Nov-2014	8.25	\$55,014	\$1,100,274	\$1,155,288
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to complete the SO2 scrubber bypass modifications for EPNs 7-1-73 and 14-1-76. The Date Required is the date the unauthorized emissions release began and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000,000

TOTAL

\$1,155,288

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600124895, RN100218049, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600124895, BASF Corporation

Classification: SATISFACTORY

Rating: 6.27

Regulated Entity: RN100218049, BASF FREEPORT SITE

Classification: SATISFACTORY

Rating: 4.27

Complexity Points: 56

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 602 COPPER ROAD, FREEPORT, TX 77541-3001, BRAZORIA COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BL00210

AIR OPERATING PERMITS PERMIT 1925

AIR OPERATING PERMITS PERMIT 1927

AIR OPERATING PERMITS PERMIT 2158

AIR OPERATING PERMITS PERMIT 2907

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD008081697

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50128

WASTEWATER EPA ID TX0008788

AIR NEW SOURCE PERMITS REGISTRATION 10373

AIR NEW SOURCE PERMITS REGISTRATION 10437

AIR NEW SOURCE PERMITS REGISTRATION 10578

AIR NEW SOURCE PERMITS REGISTRATION 10641

AIR NEW SOURCE PERMITS REGISTRATION 11081

AIR NEW SOURCE PERMITS PERMIT 7596A

AIR NEW SOURCE PERMITS PERMIT 7223A

AIR NEW SOURCE PERMITS PERMIT 1396A

AIR NEW SOURCE PERMITS PERMIT 1395A

AIR NEW SOURCE PERMITS PERMIT 1391A

AIR NEW SOURCE PERMITS PERMIT 1445A

AIR NEW SOURCE PERMITS PERMIT 8074A

AIR NEW SOURCE PERMITS PERMIT 9494A

AIR NEW SOURCE PERMITS REGISTRATION 12952A

AIR NEW SOURCE PERMITS PERMIT 13481A

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL00210

AIR NEW SOURCE PERMITS PERMIT 19886

AIR NEW SOURCE PERMITS REGISTRATION 35389

AIR NEW SOURCE PERMITS REGISTRATION 42856

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX959

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX193M1

AIR NEW SOURCE PERMITS AFS NUM 4803900017

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX641M1

AIR NEW SOURCE PERMITS REGISTRATION 54190

AIR NEW SOURCE PERMITS REGISTRATION 56520

AIR NEW SOURCE PERMITS REGISTRATION 77324

AIR NEW SOURCE PERMITS REGISTRATION 80499

AIR NEW SOURCE PERMITS REGISTRATION 82606

AIR NEW SOURCE PERMITS REGISTRATION 90047

AIR OPERATING PERMITS PERMIT 1536

AIR OPERATING PERMITS PERMIT 1926

AIR OPERATING PERMITS PERMIT 1928

AIR OPERATING PERMITS PERMIT 2159

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0200501

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30024

WASTEWATER PERMIT WQ0003977000

AIR NEW SOURCE PERMITS REGISTRATION 10310

AIR NEW SOURCE PERMITS REGISTRATION 10388

AIR NEW SOURCE PERMITS REGISTRATION 10554

AIR NEW SOURCE PERMITS REGISTRATION 10634

AIR NEW SOURCE PERMITS REGISTRATION 11080

AIR NEW SOURCE PERMITS REGISTRATION 11286

AIR NEW SOURCE PERMITS PERMIT 7595A

AIR NEW SOURCE PERMITS PERMIT 735B

AIR NEW SOURCE PERMITS PERMIT 1390A

AIR NEW SOURCE PERMITS PERMIT 1733A

AIR NEW SOURCE PERMITS PERMIT 1392A

AIR NEW SOURCE PERMITS PERMIT 6773A

AIR NEW SOURCE PERMITS PERMIT 9513A

AIR NEW SOURCE PERMITS PERMIT 9603A

AIR NEW SOURCE PERMITS REGISTRATION 12957A

AIR NEW SOURCE PERMITS REGISTRATION 12277A

AIR NEW SOURCE PERMITS PERMIT 735C

AIR NEW SOURCE PERMITS REGISTRATION 34793

AIR NEW SOURCE PERMITS PERMIT 40799

AIR NEW SOURCE PERMITS PERMIT 55239

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX641

AIR NEW SOURCE PERMITS REGISTRATION 47112

AIR NEW SOURCE PERMITS REGISTRATION 56742

AIR NEW SOURCE PERMITS REGISTRATION 90607

AIR NEW SOURCE PERMITS REGISTRATION 72728

AIR NEW SOURCE PERMITS REGISTRATION 74947

AIR NEW SOURCE PERMITS REGISTRATION 79305

AIR NEW SOURCE PERMITS REGISTRATION 83062

AIR NEW SOURCE PERMITS REGISTRATION 85277

AIR NEW SOURCE PERMITS REGISTRATION 85333

AIR NEW SOURCE PERMITS REGISTRATION 91469
AIR NEW SOURCE PERMITS REGISTRATION 85188
AIR NEW SOURCE PERMITS REGISTRATION 91495
AIR NEW SOURCE PERMITS REGISTRATION 91693
AIR NEW SOURCE PERMITS REGISTRATION 94421
AIR NEW SOURCE PERMITS REGISTRATION 96047
AIR NEW SOURCE PERMITS REGISTRATION 99604
AIR NEW SOURCE PERMITS REGISTRATION 98935
AIR NEW SOURCE PERMITS REGISTRATION 100057
AIR NEW SOURCE PERMITS REGISTRATION 101418
AIR NEW SOURCE PERMITS REGISTRATION 99497
AIR NEW SOURCE PERMITS REGISTRATION 97946
AIR NEW SOURCE PERMITS REGISTRATION 102885
AIR NEW SOURCE PERMITS REGISTRATION 104186
AIR NEW SOURCE PERMITS REGISTRATION 106570
AIR NEW SOURCE PERMITS REGISTRATION 105976
UNDERGROUND INJECTION CONTROL PERMIT WDW099
UNDERGROUND INJECTION CONTROL PERMIT WDW409
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL00210

AIR NEW SOURCE PERMITS REGISTRATION 87592
AIR NEW SOURCE PERMITS REGISTRATION 87472
AIR NEW SOURCE PERMITS EPA PERMIT N126
AIR NEW SOURCE PERMITS REGISTRATION 93451
AIR NEW SOURCE PERMITS REGISTRATION 95904
AIR NEW SOURCE PERMITS REGISTRATION 96347
AIR NEW SOURCE PERMITS REGISTRATION 96514
AIR NEW SOURCE PERMITS REGISTRATION 99651
AIR NEW SOURCE PERMITS REGISTRATION 98432
AIR NEW SOURCE PERMITS REGISTRATION 101310
AIR NEW SOURCE PERMITS REGISTRATION 100691
AIR NEW SOURCE PERMITS REGISTRATION 99541
AIR NEW SOURCE PERMITS REGISTRATION 102031
AIR NEW SOURCE PERMITS REGISTRATION 102484
AIR NEW SOURCE PERMITS REGISTRATION 105144
UNDERGROUND INJECTION CONTROL PERMIT WDW051
UNDERGROUND INJECTION CONTROL PERMIT WDW408
WATER LICENSING LICENSE 0200501
POLLUTION PREVENTION PLANNING ID NUMBER
P00069

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: January 18, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 18, 2008 to January 18, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Heather Podlipny

Phone: (512) 239-2603

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 04/03/2008 ADMINORDER 2006-0735-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Special Condition 5 PERMIT

Description: Failing to maintain the catalytic oxidizer at required levels.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failing to notify the TCEQ prior to filling or refilling of Tank D-60 C on February 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failing to prevent the unauthorized emissions of 170 pounds (Ibs), 156.5 Ibs, 23.2 Ibs, and 1,035 Ibs of process or continuous, unauthorized volatile organic compounds (VOCs) from the demethanator (EPN 11-1-101) on

December 12, 2002, January 13, 2003, August 11, 2003 and October 21, 2003, respectively pounds to dates.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:TCEQ Air Permit #8074A, SC #1 PA

Description: Failing to limit emissions from Flare 5-2-FL200 (EPN 5-2-02) in the OXO Alcohols Unit to those established by the permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failing to comply with permitted emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failing to comply with permitted emissions limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failing to comply with permitted emission limits by allowing unauthorized emissions of 130 lbs of propylene to be released. The event occurred on July 25, 2006 and lasted for 1.2 hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:Permit No. 8074A, Special Condition 1 PERMIT

Description: Failing to prevent unauthorized emissions.

2 Effective Date: 03/12/2009 ADMINORDER 2007-1508-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:TCEQ NSR Permit No. 8074A, SC No. 1 PERMIT

Description: Failed to control unauthorized emissions from the OXO Flare, FL-200, on May 2, 2007. Specifically, during an event which lasted two hours and 59 minutes, the following emissions were unauthorized: 478.85 pounds ("lbs") of volatile organic compounds, 2,289.61 lbs of carbon monoxide, and 71.39 lbs of nitrogen oxides. Because the Respondent failed to provide timely notice of the emissions event, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit timely final notification for the May 2, 2007 event. Specifically, final notification was required to be submitted within two weeks after the end of the emission event. BASF did not submit the final report until May 17, 2007.

3 Effective Date: 09/21/2009 ADMINORDER 2009-0572-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:TCEQ Permit No. 1733A, SC #1 PERMIT

Description: BASF failed to prevent an unauthorized benzene release.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: BASF failed to submit notifications within the required timeframe.

4 Effective Date: 05/09/2010 ADMINORDER 2009-1277-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:TCEQ Permit No. 1733A, SC #1 PERMIT

Description: BASF failed to prevent unauthorized emissions due to a faulty connection wire.

5 Effective Date: 10/13/2012 ADMINORDER 2012-0454-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event that occurred on September 26, 2011 to September 27, 2012. (Category A8)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	January 24, 2008	(609913)
Item 2	February 20, 2008	(672234)
Item 3	February 28, 2008	(617153)
Item 4	March 17, 2008	(672235)
Item 5	March 31, 2008	(616921)
Item 6	April 18, 2008	(672236)
Item 7	April 29, 2008	(640385)
Item 8	May 16, 2008	(654109)
Item 9	May 23, 2008	(640304)
Item 10	May 27, 2008	(641286)
Item 11	June 18, 2008	(690155)
Item 12	June 25, 2008	(684122)
Item 13	July 07, 2008	(614573)
Item 14	July 17, 2008	(690157)
Item 15	August 01, 2008	(687321)
Item 16	August 20, 2008	(710947)
Item 17	August 26, 2008	(689233)
Item 18	August 27, 2008	(686679)
Item 19	September 11, 2008	(700089)
Item 20	September 16, 2008	(710949)
Item 21	October 16, 2008	(710948)
Item 22	October 29, 2008	(686652)
Item 23	November 13, 2008	(727637)
Item 24	November 20, 2008	(707233)
Item 25	November 24, 2008	(683986)
Item 26	December 04, 2008	(708960)
Item 27	December 15, 2008	(654968)
Item 28	December 16, 2008	(750465)
Item 29	January 29, 2009	(700296)
Item 30	February 12, 2009	(653438)
Item 31	February 13, 2009	(750461)
Item 32	February 17, 2009	(726642)
Item 33	February 25, 2009	(726123)
Item 34	March 11, 2009	(750462)
Item 35	April 17, 2009	(750463)
Item 36	April 21, 2009	(742757)
Item 37	April 29, 2009	(741544)
Item 38	May 05, 2009	(743633)
Item 39	May 18, 2009	(768493)
Item 40	June 11, 2009	(768494)
Item 41	June 30, 2009	(748407)
Item 42	July 13, 2009	(760534)
Item 43	August 12, 2009	(805154)

Item 44	September 16, 2009	(805155)
Item 45	October 20, 2009	(805156)
Item 46	November 17, 2009	(805157)
Item 47	November 20, 2009	(777067)
Item 48	November 23, 2009	(778532)
Item 49	December 02, 2009	(779779)
Item 50	December 09, 2009	(767467)
Item 51	December 14, 2009	(781749)
Item 52	December 15, 2009	(779778)
Item 53	December 16, 2009	(805158)
Item 54	January 18, 2010	(805159)
Item 55	January 25, 2010	(767441)
Item 56	February 10, 2010	(790636)
Item 57	February 24, 2010	(790231)
Item 58	February 26, 2010	(789504)
Item 59	March 16, 2010	(831064)
Item 60	March 30, 2010	(785685)
Item 61	April 19, 2010	(831065)
Item 62	April 28, 2010	(799266)
Item 63	April 29, 2010	(799681)
Item 64	May 10, 2010	(800121)
Item 65	May 18, 2010	(801891)
Item 66	June 11, 2010	(802782)
Item 67	June 17, 2010	(824720)
Item 68	June 22, 2010	(826103)
Item 69	June 28, 2010	(826069)
Item 70	July 08, 2010	(828078)
Item 71	July 14, 2010	(828310)
Item 72	August 11, 2010	(866895)
Item 73	September 09, 2010	(842663)
Item 74	September 14, 2010	(850059)
Item 75	October 12, 2010	(850105)
Item 76	October 18, 2010	(873965)
Item 77	October 19, 2010	(881562)
Item 78	November 12, 2010	(869998)
Item 79	November 16, 2010	(866126)
Item 80	November 17, 2010	(866129)
Item 81	November 19, 2010	(858002)
Item 82	November 23, 2010	(873735)
Item 83	December 01, 2010	(871808)
Item 84	December 11, 2010	(896308)
Item 85	December 15, 2010	(858007)
Item 86	January 12, 2011	(902364)
Item 87	February 03, 2011	(891587)
Item 88	February 17, 2011	(909149)
Item 89	February 28, 2011	(892231)
Item 90	March 15, 2011	(916400)
Item 91	April 06, 2011	(907287)
Item 92	April 14, 2011	(924931)
Item 93	May 17, 2011	(915816)
Item 94	May 20, 2011	(938086)
Item 95	May 27, 2011	(899340)
Item 96	June 20, 2011	(945458)
Item 97	June 30, 2011	(934459)
Item 98	July 13, 2011	(934140)
Item 99	August 09, 2011	(937530)
Item 100	August 11, 2011	(922157)
Item 101	August 15, 2011	(959369)
Item 102	August 31, 2011	(951779)
Item 103	September 19, 2011	(971441)
Item 104	September 28, 2011	(955564)

Item 105	October 26, 2011	(948627)
Item 106	November 17, 2011	(977597)
Item 107	December 19, 2011	(984365)
Item 108	December 21, 2011	(964640)
Item 109	January 11, 2012	(990664)
Item 110	January 27, 2012	(970566)
Item 111	February 10, 2012	(987103)
Item 112	February 14, 2012	(983589)
Item 113	February 15, 2012	(984038)
Item 114	February 16, 2012	(998028)
Item 115	March 19, 2012	(1003553)
Item 116	April 17, 2012	(1010119)
Item 117	May 01, 2012	(964306)
Item 118	May 16, 2012	(1002867)
Item 119	May 18, 2012	(1016509)
Item 120	June 18, 2012	(1024232)
Item 121	July 16, 2012	(1031624)
Item 122	August 06, 2012	(1021959)
Item 123	August 10, 2012	(1023188)
Item 124	August 14, 2012	(1022062)
Item 125	August 15, 2012	(1038001)
Item 126	September 17, 2012	(1046739)
Item 127	October 08, 2012	(1028726)
Item 128	October 12, 2012	(1030572)
Item 129	October 15, 2012	(1029491)
Item 130	October 22, 2012	(1030573)
Item 131	October 23, 2012	(1029207)
Item 132	October 30, 2012	(1042286)
Item 133	December 19, 2012	(1030781)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	06/18/2012	(970568)	CN600124895
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 11 PERMIT ST&C 11 OP		
	Description:	Failure to maintain the established minimum thermal oxidizer firebox exit temperature of 1,200 degree F, and failure to maintain the minimum exhaust oxygen concentration of 3 percent for the Thermal Oxidizer R-180 (EPN 11-1-100)		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662(a) 5C THSC Chapter 382 382.085(b) SC 10 PERMIT ST&C 1 and 11 OP		
	Description:	Failure to maintain the required minimum delta temperature of 287 degree C and failure to maintain the required minimum outlet temperature of 550 degree C for the Catalytic Incinerator R170 (EPN 11-1-2)		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THSC Chapter 382 382.085(b) SC 16E PERMIT ST&C 1 and 11 OP		
	Description:	Failure to seal open-ended lines (OELs) with plugs or second valves		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to furnish the required annual visual inspection report
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 23 PERMIT
ST&C 11 OP

Description: Failure to maintain the combustion temperature of 1,435 degree Celcius for the
Vent Gas Flare (EPN 12-1-1)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 2F OP

Description: Failure to maintain final records for a non-reportable emissions event within the
required time frame
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 19Bi PERMIT
ST&C 11 OP

Description: Failure to record monitoring data for control device by-passes
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to demonstrate that a first attempt at repair was made no later than five
calendar days after the leak is found and that the component was repaired no
later than 15 calendar days after the leak is found
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 38Bii PERMIT
ST&C 11 OP

Description: Failure to monitor VOC emissions prior to degassing process equipment
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GT & C OP

Description: Failure to report all deviations in a deviation report
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to tag leaking components upon the detection of the leaking components
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR Permit 1733A PERMIT
Title V Permit 1926 PERMIT

Description: Failure to prevent scrubber bypasses from the SOx scrubbers (EPNs 7-1-73 and
14-1-76) during nitrogen purges in Capro 1 and Capro 2
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 8 PERMIT
ST&C 11 OP

Description: Failure to maintain the benzene unloading limit of 220,000 pounds per calendar
year

- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 31 PERMIT
ST&C 11 OP
Description: Failure to sample and record the charcoal tower once every fourth regeneration
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP
Description: Failure to demonstrate that a first attempt at repair was made no later than five calendar days after each leak is found
- 2 Date: 06/22/2012 (1008174) CN600124895
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
General Condition 8 PERMIT
Description: Failure to present an affirmative defense for the unauthorized emissions resulting from an overpressured tank truck during an emissions event. [Subcategory B13]
- 3 Date: 07/03/2012 (1009477) CN600124895
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(2)
5C THSC Chapter 382 382.085(b)
Special Condition (9)E PERMIT
Special Conditions 2(C) & 3 PERMIT
Special Terms and Conditions 1A & 10 OP
Description: Failure to equip open-ended lines with a cap, blind flange, plug, or second valve. (Category B19(g)(6))
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Condition 10 PERMIT
Special Terms & Conditions 10 OP
Description: Failure to comply with permitted CO concentration limit from unit 5-5-50. [Category B19(g)(1)]
- 4 Date: 07/20/2012 (952168) CN600124895
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14B PERMIT
Special Terms & Conditions 5 OP
Description: Failure to monitor Volatile Organic Compound (VOC) concentration prior to degassing. (Category B1)
- 5 Date: 08/01/2012 (1021878) CN600124895
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)
Description: The containment cracks and gaps were noted.
- 6 Date: 08/31/2012 (1008086) CN600124895
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
SPECIAL TERMS AND CONDITIONS 1A OP
Description: Failure to equip 28 open-ended lines in VOC service with a cap, blind flange, plug

or a second valve in the SynGas/Oxo area (EPN 5-4-30). (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SPECIAL TERMS AND CONDITIONS 1A OP

Description: Failure to maintain the ammonia (NH3) emissions below 10 ppmv at 3.0% Oxygen (O2) from January 24, 2011 to November 8, 2011 (EPN 5-1-31).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 7 and 13B PERMIT
SPECIAL TERMS AND CONDITIONS 1A and 12 OP

Description: Failure to control isobutanol loading with the thermal oxidizer EPN 5-4-31 on July 7, 2011 and July 20, 2011. (Category C7)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(c)(2)
5C THSC Chapter 382 382.085(b)
SC 10H PERMIT
SPECIAL TERMS AND CONDITIONS 1A and 12 OP

Description: Failure to remonitor pump P-307A within 15 days of being repaired. (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP

Description: Failure to report all instances of deviations. (Category B3)

7 Date: 09/05/2012 (1022055)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event (Category B13).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply the reporting requirements of a reportable emissions event.

F. Environmental audits:

Notice of Intent Date: 06/21/2010 (829065)

Disclosure Date: 10/27/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)

Description: Failure to monitor 70 newly installed valves for two consecutive months before monitoring on a quarterly basis.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Description: Failure to tag and monitor equipment leaks of volatile organic compounds (VOC) and hazardous air pollutants (HAP). Specifically, components associated with the following equipment were not tagged and monitored: D-130, D-131, F-210, T-230, C160A&B, D-165A&B (liquid) and Anlon Sample Pot to P-143 A/B.

Notice of Intent Date: 07/09/2012 (1022679)
No DOV Associated

Notice of Intent Date: 09/26/2012 (1037264)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF CORPORATION
RN100218049**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-0169-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 602 Copper Road in Freeport, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 22, 2012 and January 20, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand Three Hundred Dollars (\$19,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Four Hundred Forty Dollars (\$15,440) of the administrative penalty and Three Thousand Eight

Hundred Sixty Dollars (\$3,860) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent conducted a stack retest on March 22, 2011 at the R-170 Catalytic Incinerator, Emission Point No. ("EPN") 11-1-2. The reference method stack test for nitrogen oxides ("NOx") indicated the emissions were 0.022 pounds per hour ("lbs/hr"), below the permitted rate of 0.03 lbs/hr.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the maximum allowable emissions rate ("MAER") for NOx for the R-170 Catalytic Incinerator, EPN 11-1-2, during a stack test conducted on November 2, 2010, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1926, Special Terms and Conditions ("STC") No. 11, and New Source Review ("NSR") Permit No. 1733A, Special Conditions ("SC") No. 1, as documented during an investigation conducted on September 10, 2012. Specifically, the NOx emissions exceeded the MAER of 0.03 lbs/hr by 0.19 lbs/hr.
2. Failed to represent sulfur dioxide ("SO2") fugitive emissions from the Caprolactam 1 and 2 Units in the NSR Permit No. 1733A application, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 116.116(b)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1926, STC No. 11, and NSR Permit No. 1733A, SC No. 1, as documented during an investigation conducted on December 7, 2012. Specifically, the Respondent did not

represent the scrubber bypass emissions that occurred during nitrogen purges in the permit application, resulting in the release of 853.76 lbs of unauthorized SO₂ emissions from the Caprolactam 1 Unit and 2,143.3 lbs of unauthorized SO₂ emissions from the Caprolactam 2 Unit, respectively.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF Corporation, Docket No. 2013-0169-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. By November 30, 2014, complete the scrubber modification project designed to prevent unauthorized SO₂ emissions from the Caprolactam 1 and 2 Units; and
 - b. Within 30 days of completion of the scrubber modification project, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

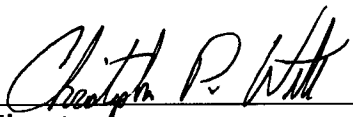
6/7/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

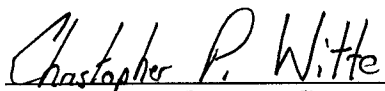
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

March 22nd, 2013
Date


Name (Printed or typed)
Authorized Representative of
BASF Corporation

Sr. Vice President - Freeport Site
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.